United Nations S/2000/90

Security Council

Distr.: General
25 September 2000

Original: English

Letter dated 25 September 2000 from the Permanent Observer for the League of Arab States to the United Nations addressed to the President of the Security Council

In accordance with Article 54 of the Charter of the United Nations, I have the honour to transmit herewith resolution No. 6009 dated 4 September 2000, adopted by the one hundred fourteenth regular session of the League of Arab States, at the level of Ministers of Foreign Affairs, held on 3-4 September 2000, at the League of Arab States headquarters in Cairo-Egypt, entitled "Occupation of the Arab Islands belonging to the United Arab Emirates by Iran".

I should be grateful if you would draw the attention of the members of the Security Council to this letter and its annex, and have them circulated as a document of the Security Council.

(*Signed*) Dr. Hussein **Hassou**
Ambassador

00-65789 (E) 260900 260900

Annex to the letter dated 25 September 2000 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

[Original: Arabic]

The occupation by Iran of the Arab islands belonging to the United Arab Emirates in the Arabian Gulf

The Council of the League of Arab States,

Having considered

The note by the Secretariat

And the recommendation of the Political Committee,

Observing the failure of the Iranian Government to respond to the sincere and earnest appeals for a peaceful solution to the dispute that have been issued by the Arab Summit Conference, the Council of the League of Arab States, the Damascus Declaration countries, the Gulf Cooperation Council and the United Arab Emirates,

Taking note of the persistence of the Iranian Government in perpetuating its occupation of the three islands belonging to the United Arab Emirates and in imposing a fait accompli by force,

Considering the fact that Iran has conducted military exercises that have extended to the three occupied islands belonging to the United Arab Emirates, namely the Greater Tunb, the Lesser Tunb and Abu Musa, as well as to the country's territorial waters, and noting that Iran has brought about demographic changes on the three islands,

Decides:

1. To reaffirm all of its previous resolutions on the question of the occupation by Iran of the three Arab islands belonging to the United Arab Emirates in the Arabian Gulf;

2. To express its unconditional affirmation of the sovereignty of the United Arab Emirates over its three islands, namely the Greater Tunb, the Lesser Tunb and Abu Musa; and to emphasize its support for all the peaceful measures and actions the United Arab Emirates is taking with a view to restoring its sovereignty over the occupied islands;

3. To denounce the Iranian Government's persistence in perpetuating its occupation of the three islands and violating the sovereignty of the United Arab Emirates, thereby undermining security and stability in the region and posing a threat to international peace and security;

4. To condemn Iranian military exercises that extend to the three occupied islands belonging to the United Arab Emirates, namely the Greater Tunb, the Lesser Tunb and Abu Musa, as well as to the country's territorial waters; and to urge Iran to desist from committing violations and engaging in provocative actions that are to be regarded as interference in the internal affairs of an independent, sovereign State, that are unhelpful for the process of building confidence, that pose a threat to

security and stability in the region and that endanger the security and safety of intra-regional and international shipping in the Arabian Gulf;

5. To renew its calls to the Iranian Government: to end its occupation of the three islands belonging to the United Arab Emirates; to refrain from imposing a fait accompli by force; to desist from building installations on the islands for the purpose of altering their demographic composition; to revoke all measures taken and remove all installations put in place unilaterally on the three islands, given that such actions are incompatible with the norms of international law and the provisions of the relevant Geneva Convention of 1949; and to pursue peaceful means to resolve the existing dispute in accordance with the principles and norms of international law, including agreement to refer the case to the International Court of Justice;

6. To call upon Iran to translate into practical and concrete measures, in both word and in deed, its declared desire, under President Mohammad Khatami, to improve its relations with the Arab States, and to do so by responding candidly to the earnest and sincere calls issued by His Highness Sheikh Zayed Bin Sultan Al Nahyan, President of the United Arab Emirates, by the Gulf Cooperation Council, by the Damascus Declaration countries, by the Arab States and by the Secretary-General of the United Nations for a peaceful settlement to the dispute over the three occupied islands belonging to the United Arab Emirates, in accordance with the relevant conventions and covenants and the norms of international law, to be reached through direct negotiations or by referral to the International Court of Justice, in order to build confidence and strengthen security and stability in the region;

7. To inform the United Nations of the importance of ensuring that the question is retained on the list of items of which the Security Council is seized until such time as Iran ends its occupation of the three islands and the United Arab Emirates regains full sovereignty over them;

8. To request the Secretary-General to monitor the situation and submit a report thereon to the Council at its next session.

Resolution 6009
One hundred and fourteenth regular session
2nd meeting
4 September 2000

United Nations S/2000/901

Security Council

Distr.: General
26 September 2000

Original: English

Letter dated 26 September 2000 from the Permanent Representative of Indonesia to the United Nations addressed to the President of the Security Council

I have the honour to refer to my letter dated 25 September 2000 addressed to you (S/2000/899) regarding the process of disarming the militias in Atambua.

In this regard, I should like to convey the latest developments, which are as follows:

1. Following the departure of the Vice-President from the police compound, one of the militia members, Mr. Eurico Gutteres, voiced his displeasure at not being properly treated by the police by attempting to begin a commotion, but was promptly restrained by the Indonesian military personnel. Although during the commotion some of the confiscated weapons were briefly retrieved, they were ultimately surrendered to the local military commander and the situation was brought under control. During this confusion, there were three officials of the United Nations Transitional Administration in East Timor (UNTAET) and one translator in the compound. Contrary to a misperception, Mr. Gutteres did not manage to infiltrate into the area through the heavy military presence, but was present in the compound through the whole disarming process.

2. From the outset, the Government of Indonesia has stressed that the process of disarming the militias would not be an easy task. Despite the numerous and formidable challenges, Indonesia continues to fulfil its commitments by taking concrete measures that have resulted in the confiscation of a sizeable number of weapons.

3. On 26 September 2000, a limited Cabinet session was convened to discuss the latest event and a decision was taken to move forward towards the second phase of enforcement.

It would be highly appreciated if you could have the text of the present letter circulated as a document of the Security Council.

(*Signed*) Makarim **Wibisono**
Ambassador
Permanent Representative

00-65942 (E) 260900

United Nations S/2000/902

Security Council

Distr.: General
26 September 2000

Original: English

Note verbale dated 26 September 2000 from the Permanent Mission of Indonesia to the United Nations addressed to the President of the Security Council

The Permanent Mission of the Republic of Indonesia to the United Nations presents its compliments to the President of the Security Council and has the honour to attach herewith a copy of the press release issued by the Directorate of Foreign Information, Department of Foreign Affairs, of the Republic of Indonesia on 25 September 2000 (see annex).

The Permanent Mission of the Republic of Indonesia to the United Nations would highly appreciate it if the said document could be circulated as a document of the Security Council.

00-65948 (E) 260900

Annex to the note verbale dated 26 September 2000 from the Permanent Mission of Indonesia to the United Nations addressed to the President of the Security Council

PRESS RELEASE

DIRECTORATE OF FOREIGN INFORMATION – DEPARTMENT OF FOREIGN AFFAIRS
JALAN TAMAN PEJAMBON No. 6, JAKARTA 10110, PHONE 3813453, 3440488, FAX. 3857316

NO. 50 /PR/IX/00

Foreign Minister Alwi Shihab will return to New York on October 11-12 to brief the United Nations Security Council and the Secretary General on the progress the Indonesian government has made in implementation of the UN Security Council Resolution 1319 (2000).

Upon his return to New York, the Foreign Minister will also work out a plan, in conjunction with the Security Council, on a date for the Security Council delegation to visit Indonesia, whose objective will be to observe the progress made by Indonesia in carrying out the Security Council Resolution .

On September 19, Indonesian Coordinating Minister for Political, Social and Security Affairs Soesilo Bambang Yudhoyono and Foreign Minister Alwi Shihab met with the UN Security Council, the Secretary-General and other members of the United Nations to outline the government of Indonesia's plan to address the situation in West Timor.

Jakarta, 25 September 2000

United Nations S/2000/903

Security Council

Distr.: General
26 September 2000
English
Original: French

Letter dated 26 September 2000 from the President of the Security Council addressed to the Secretary-General

Further to my letter of 21 September to you concerning the sending of a Security Council mission to Sierra Leone (S/2000/886), I have the honour to inform you that the composition of the mission will be as follows:

1. Ambassador Jeremy Greenstock (United Kingdom, Head of the mission)
2. Ambassador Anwarul Karim Chowdhury (Bangladesh)
3. Ambassador Paul Heinbecker (Canada)
4. Ambassador Wang Yingfan (China)
5. Ambassador Patricia Durrant (Jamaica)
6. Ambassador Moctar Ouane (Mali)
7. Ambassador A. Peter van Walsum (Netherlands)
8. Ambassador Andrei Granovsky (Russian Federation)
9. Ambassador Volodymyr Yel'chenko (Ukraine)
10. Ambassador Richard Holbrooke (United States of America)

I should be grateful if the necessary arrangements could be made to provide support for the mission.

(*Signed*) Moctar **Ouane**
President of the Security Council

00-65954 (E) 260900 260900

United Nations S/2000/903*

Security Council

Distr.: General
28 September 2000
English
Original: French

Letter dated 26 September 2000 from the President of the Security Council addressed to the Secretary-General

Further to my letter of 21 September to you concerning the sending of a Security Council mission to Sierra Leone (S/2000/886), I have the honour to inform you that the composition of the mission will be as follows:

1. Ambassador Jeremy Greenstock (United Kingdom, Head of the mission)
2. Ambassador Anwarul Karim Chowdhury (Bangladesh)
3. Ambassador Paul Heinbecker (Canada)
4. Ambassador Wang Yingfan (China)
5. Ambassador Patricia Durrant (Jamaica)
6. Ambassador Moctar Ouane (Mali)
7. Ambassador A. Peter van Walsum (Netherlands)
8. Ambassador Andrei Granovsky (Russian Federation)
9. Ambassador Volodymyr Yel'chenko (Ukraine)
10. Ambassador James B. Cunningham (United States of America)

I should be grateful if the necessary arrangements could be made to provide support for the mission.

(*Signed*) Moctar **Ouane**
President of the Security Council

* Reissued for technical reasons.

00-65954* (E) 280900

United Nations S/2000/904

Security Council

Distr.: General
26 September 2000
English
Original: French

Letter dated 26 September 2000 from the Secretary-General addressed to the President of the Security Council

I am transmitting to you herewith for consideration, and for consideration by the members of the Security Council, a letter dated 19 September 2000 addressed to me by Judge Claude Jorda, President of the International Tribunal for the Former Yugoslavia.

In his letter, Judge Jorda indicates that, according to the Judges of the International Tribunal for the Former Yugoslavia, the Tribunal should be able, in certain situations, to compensate persons who may have been wrongfully detained, prosecuted or convicted by the Tribunal.

Judge Jorda notes that, according to the Judges, there are three situations in which the Tribunal should be able to award such compensation.

The first situation arises when a person has suffered punishment as a result of a final decision of the International Tribunal and that decision is subsequently reversed by the Tribunal or a pardon is granted, because a new or newly discovered fact proves that there has been a miscarriage of justice.

The second situation arises when a person who has been detained under the Tribunal's authority is subsequently acquitted by a final decision of the Tribunal or is subsequently released following a decision to terminate the proceedings against him/her in circumstances which show conclusively that there has been a grave and manifest miscarriage of justice.

The third situation in which, according to the Judges, the Tribunal should be able to award compensation arises when a person is arrested or detained under the Tribunal's authority in a manner or in circumstances which constitute a violation of the right to liberty and security of person and when the conduct which gave rise to the violation is legally imputed to the Tribunal and thus to the United Nations.

Judge Jorda observes that, in the first and third situations, the United Nations is required, under generally accepted human rights norms, to compensate the individual who has been unlawfully convicted, arrested or detained.

Judge Jorda also observes that in neither of these two situations could the United Nations fulfil its legal obligations simply by paying a sum of money as compensation to the individual concerned. Legal provisions must be enacted which would give the individual a specific right to compensation, determine how the

00-65995 (E) 270900 270900

compensation to be paid must be calculated and establish a procedure for this purpose which meets the essential requirements of legality and respect for law.

Judge Jorda observes that, in the second situation described in his letter, the United Nations could not be held bound under existing international law to compensate an individual who may have been unlawfully detained or prosecuted as described. He states that the Judges nevertheless believe that, given the particular circumstances in which the Tribunal operates, it is desirable that the Tribunal should be able to award compensation in such situations.

Judge Jorda notes that, for the Tribunal to be able to award compensation in each of the three situations described in his letter, the Security Council would have to amend the Statute of the International Tribunal for the Former Yugoslavia to empower it to deal with questions of compensation.

Should the Security Council adopt such amendments, the General Assembly would subsequently have to approve the necessary appropriation to the Tribunal's budget.

I should be grateful if you would bring the text of this letter and its annexes to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

Annex

Letter dated 19 September 2000 from the President of the International Tribunal for the Former Yugoslavia addressed to the Secretary-General

I am writing to you today to request your assistance on a matter of very great importance to the International Criminal Tribunal for the Former Yugoslavia, namely, compensation for persons who have been wrongfully prosecuted or convicted.

During recent months, the Judges have expressed concern at the plight of individuals who, after having been prosecuted and tried according to the applicable rules, have been acquitted by the Tribunal. Although the best way of clearing an accused person is to acquit him or her, under the legislation of a number of countries, anyone who has been wrongfully convicted or prosecuted can be compensated for the deprivation of liberty suffered and for the economic losses sustained due to the proceedings instituted against him or her. Persons who have been unjustly arrested or detained can also receive compensation. Such compensation — which is also codified in various international human rights instruments — is not provided for in the Statute of the International Tribunal for the Former Yugoslavia, nor in its Rules of Procedure and Evidence.

Since the International Tribunal for the Former Yugoslavia wishes, by definition, to abide fully by the internationally recognized norms relating to the rights of suspects and accused persons, the absence of any provision which would allow for awarding compensation in such situations is a cause for concern. Moreover, during the first six years of its existence, a number of people have been deprived of their liberty by the Tribunal only to be later acquitted or to have the proceedings against them terminated. It is possible that these people may file a complaint against the Tribunal on the grounds that they were deprived of their liberty and sustained direct economic losses as a result of these proceedings.

Accordingly, the issue of compensation needs to be addressed as soon as possible.

As mentioned above, the issue of compensation arises in three situations. When an individual is wrongfully convicted, when an individual is unjustly prosecuted and when an individual is unlawfully arrested or detained. These situations are dealt with below in detail.

Compensation for wrongfully convicted persons

The right to compensation of wrongfully convicted persons is provided for in several international human rights instruments, including, in particular, article 14, paragraph 6, of the International Covenant on Civil and Political Rights. Article 85, paragraph 2, of the Statute of the International Criminal Court, adopted in Rome on 17 July 1998, contains a provision that is virtually identical.

Since it is a subsidiary body of the Security Council, the actions of the International Tribunal for the Former Yugoslavia can be imputed to the United Nations. Consequently, since it considers itself bound by generally accepted human rights norms such as article 14, paragraph 6, of the International Covenant on Civil

and Political Rights, the United Nations will be legally bound to compensate persons whose conviction by the Tribunal is subsequently overturned.

Compensation for unjustly prosecuted persons

Although article 85, paragraph 3, of the Statute of the International Criminal Court gives the latter the power, in exceptional circumstances, to award compensation to persons who have been accused and subsequently acquitted, following the termination of proceedings due to a grave and manifest miscarriage of justice, there is no equivalent provision in the International Covenant on Civil and Political Rights nor in any other international human rights instrument. It cannot, therefore, be said that a right of this nature is currently part of international customary law. Accordingly, the United Nations could not be held legally bound to compensate the victims of grave and manifest miscarriages of justice in such circumstances.

However, some national systems do provide for the compensation of wrongfully prosecuted persons.

Because of the particular circumstances in which the Tribunal operates, including the fact that the accused are detained for long periods pending trial, it is in the interest of the Tribunal, and of the United Nations in general, to award compensation, at the discretion of the Tribunal, to accused persons who are acquitted or against whom proceedings are terminated. It should, however, be noted that this discretion should be exercised only in exceptional circumstances, following a "grave and manifest" miscarriage of justice.

Compensation for unlawfully detained persons

International human rights instruments guarantee the right to compensation of persons who have been deprived of their liberty in circumstances involving a violation of their rights, as may be seen in article 9, paragraph 5, of the International Covenant on Civil and Political Rights. Thus, if a person is arrested or detained under the authority of the Tribunal in circumstances that constitute a violation of the rights recognized in article 9, paragraphs 1 to 4, of the International Covenant on Civil and Political Rights and if the conduct giving rise to this violation is legally imputed to the Tribunal and thus to the United Nations, the latter would be legally bound to award compensation to the victim of this violation.

Since the Statute contains no provision conferring on the Judges the power to take the necessary measures to fulfil the above-mentioned obligations, several possible mechanisms have been studied, in consultation with the Office of Legal Affairs, that would offer the possibility of compensation to the persons concerned. These mechanisms include, among other things, arbitration, exceptional ruling, General Assembly resolutions recognizing limited responsibility and amendment of the Tribunal's Statute.

In this context, it must be noted that the United Nations may not evade its international obligations simply by paying a sum of money as compensation to the persons concerned. The obligations set forth in article 9, paragraph 5, and article 14, paragraph 6, of the International Covenant on Civil and Political Rights are not designed solely to provide for summary compensation to persons who are protected by these provisions, but rather to ensure that these persons have a "right to

compensation" (in the case of article 9, paragraph 5) and compensation "according to law" (in the case of article 14, paragraph 6). It is therefore necessary, in order to fulfil this obligation, to enact legal provisions that meet the essential requirements of legality and respect for law, conferring on persons wrongfully prosecuted or convicted by the Tribunal, and on those who have been unlawfully arrested or detained, a specific right to compensation.

Consequently, since the Tribunal and, in particular, the Chambers are in the best position to determine whether persons who have been wrongfully prosecuted or convicted and those who have been unlawfully arrested or detained should be compensated, the Judges consider that the Security Council should study the possibility of widening the jurisdiction of the Tribunal by amending its Statute to empower it to deal with questions of compensation.

Since any step taken in this respect must closely reflect recent developments in international human rights law, we suggest that a new article should be added to the International Tribunal's Statute, inspired by the precedent contained in article 85 of the Statute of the International Criminal Court, the text of which is also attached herewith.

Lastly, in order to adopt the best possible amendment to the International Tribunal's Statute, I should be grateful if you would draw this letter to the attention of the President and members of the Security Council for their consideration.

In addition, since the International Tribunal and the International Criminal Tribunal for Rwanda (ICTR) ought to take a similar approach to this issue, I have discussed it with Judge Navanethem Pillay, President of ICTR. She told me that the ICTR judges also envisaged using the same approach to seeking an amendment to the Statute of that Tribunal, and that a separate letter prepared with that intention would shortly be addressed to you.

Of course, the envisaged amendments will have administrative and budgetary implications for the United Nations. In this context, the Tribunal has already requested the opinion of Mr. Joseph Connor, Under-Secretary-General for Management, and expects to receive his reply soon.

If you have any other questions regarding this request, or if you wish to obtain additional information on the right to compensation of persons who have been wrongfully prosecuted or convicted or persons who have been unlawfully arrested or detained, I remain at your disposal to discuss them.

In that regard, I should like to draw to your attention a detailed document prepared by the Registry on the question of compensation, which is attached to the letter addressed to Mr. Connor.

(*Signed*) Claude **Jorda**
President

Enclosure

Article 85 of the Statute of the International Criminal Court

Compensation to an arrested or convicted person

1. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

2. When a person has by a final decision been convicted of a criminal offence, and when subsequently his or her conviction has been reversed on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him or her.

3. In exceptional circumstances, where the Court finds conclusive facts showing that there has been a grave and manifest miscarriage of justice, it may in its discretion award compensation, according to the criteria provided in the Rules of Procedure and Evidence, to a person who has been released from detention following a final decision of acquittal or a termination of the proceedings for that reason.

United Nations S/2000/905

Security Council

Distr.: General
27 September 2000

Original: English

Letter dated 26 September 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

I have the honour to forward, enclosed herewith, a memorandum on the systematic violations of Security Council resolution 1244 (1999) of 10 June 1999, prepared by the Government of the Federal Republic of Yugoslavia (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Vladislav **Jovanovic**
Chargé d'affaires a.i. of the
Permanent Mission of Yugoslavia to the United Nations

00-66189 (E) 280900

Annex to the letter dated 26 September 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

Systematic violations of Security Council resolution 1244 (1999) of 10 June 1999

1. The sovereignty and territorial integrity of the Federal Republic of Yugoslavia in Kosovo and Metohija are inviolable and final and have been unequivocally confirmed in United Nations Security Council resolution 1244 (1999) and the military-technical agreement as well as in the Ahtisaari-Chernomyrdin document (see resolution 1244 (1999), preambular para. 10, and para. 8 of annex 2).

2. The Federal Republic of Yugoslavia and the Republic of Serbia carried out all their obligations under Security Council resolution 1244 (1999) and the military-technical agreement.

3. Deployment of KFOR and the United Nations Interim Administration Mission in Kosovo (UNMIK): Under Security Council resolution 1244 (1999) and the military-technical agreement, and on the basis of the consent of the Government of the Federal Republic of Yugoslavia in June 1999, international forces under United Nations auspices (KFOR and UNMIK) were deployed in the southern Serbian province, with 50,000 soldiers, police officers and other personnel, mostly from NATO countries, with the aim of helping provide security to all citizens and a secure environment for the return of all refugees and the displaced persons for the interim period until a final political solution on the basis of the substantial autonomy is reached.

Throughout their mandate, KFOR and UNMIK have systematically and grossly violated resolution 1244 (1999) and the military-technical agreement, at the expense of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the Republic of Serbia. That attitude of KFOR and UNMIK represents a cause of a dramatic deterioration of the security, and the general, situation in the Province.

4. Failure by KFOR and UNMIK to fulfil any provision of Security Council resolution 1244 (1999) and the military-technical agreement:

- Full and consistent respect of provisions on the sovereignty and territorial integrity of the Republic of Serbia and of the Federal Republic of Yugoslavia (see resolution 1244 (1999), preambular para. 10, and para. 8 of annex 2): The Head of UNMIK, Bernard Kouchner, and other UNMIK and KFOR representatives, by their activities and decisions, systematically and deliberately violate the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the Republic of Serbia and are accomplices of Albanian separatists and terrorists in creating conditions for separation of Kosovo and Metohija from the single constitutional-legal, monetary-financial, economic, education, judicial and other systems of the Federal Republic of Yugoslavia and the Republic of Serbia. This represents a dangerous precedent in the practice of United Nations peacekeeping operations, in contravention of the basic values of the fundamental principles enshrined in the Charter of the

United Nations and the essence of United Nations peacekeeping operations in general;

- Human rights of Serbs, Montenegrins, Muslims, Roma, Goranci, Turks and other non-Albanians are massively violated (see resolution 1244 (1999), para. 11 (j)). Their basic human right, the right to life, has been threatened since the deployment of the international mission;

- Although KFOR and UNMIK announced on 20 September 1999 that the so-called KLA had been disarmed, the past developments fully contravene that. The constant armed attacks as well as the recent discovery of large quantities of hidden arms (more than 60 tons), prove that this terrorist organization has neither been demilitarized, disarmed nor disbanded (see resolution 1244 (1999), para. 9 (b));

- Neither personal nor property safety, nor the equality of all citizens and a secure environment have been ensured, which is a basic precondition for a safe return of refugees and displaced persons and unhampered delivery of humanitarian assistance (see resolution 1244 (1999), para. 9 (c));

- Laws and other regulations of the Republic of Serbia and of the Federal Republic of Yugoslavia are not implemented, there is no public order and peace (see resolution 1244 (1999), para. 9 (d)) or freedom of movement of citizens;

- Return of contingents of the Yugoslav Army (VJ) and the Special Police (MUP) has been unjustifiably prevented (see resolution 1244 (1999), para. 4, and paras. 6 and 10 of annex 2; and article I, para. 4 of the military-technical agreement). The Yugoslav Government informed the Security Council on 8 September 2000 (S/2000/859) that a special unit of VJ and the police has been established for that purpose and requested its deployment in the Province without delay;

- The international border of the Federal Republic of Yugoslavia facing Albania and Macedonia in the territory of Kosovo and Metohija is neither controlled nor ensured (see resolution 1244 (1999), para. 9 (g)). KFOR and UNMIK allowed more than 250,000 non-residents of the Federal Republic of Yugoslavia, mostly terrorists and other Albanian armed criminal gangs, to illegally enter Kosovo and Metohija. The Province has been turned into the European centre of terrorism, international organized crime, drug and arms trafficking, illegal trade in women and children, money laundering and the like;

- Systematic violation of resolution 1244 (1999) prevents the start of a political process for the resolution of the Province's status within the Republic of Serbia (see resolution 1244 (1999), para. 11 (a));

- By violating the obligation to respect the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the Republic of Serbia, KFOR and UNMIK continuously refuse to cooperate with the competent authorities of the Federal Republic of Yugoslavia in implementing the mandate of the United Nations peacekeeping mission in its territory. In doing so, they directly fuel Albanian separatist ambitions in Kosovo and Metohija, which is contrary to

the key provisions and the basic goal of resolution 1244 (1999) and the related documents.

5. Total fiasco of international presences under United Nations auspices in Kosovo and Metohija: The overall effect of the implementation of the mandate of the international security (KFOR) and civil (UNMIK) presences in Kosovo and Metohija under United Nations auspices established by Security Council resolution 1244 (1999) has been disastrous in each and every segment.

During the period from 10 June 1999 to 24 September 2000, a total of 5,168 terrorist attacks were carried out; 1,048 persons were killed, 915 of them Serbs, while 1,028 persons were wounded (961 Serbs), 987 persons were abducted (903 Serbs); arbitrarily arrested 478 (all Serbs); 88 churches and medieval monasteries were destroyed, burned down or heavily damaged, as well as 50,000 homes, mostly belonging to Serbs and Roma. More than 360,000 non-Albanians, including 270,000 Serbs, were expelled. The remaining Serbs and other non-Albanians are herded in enclaves, in ghettos and camps, and are exposed to daily armed attacks by Albanian terrorists.

The security situation in the Province has dramatically deteriorated, particularly for the Serbs, since the Special Representative announced the date of the so-called local elections. Children and the frail, monasteries and cemeteries, private and State-owned property are becoming the ever more frequent targets of Albanian terrorists. At the same time, KFOR and UNMIK do nothing to decisively put an end to escalating Albanian terrorism.

KFOR and UNMIK bear sole responsibility for chaos and lawlessness and the general criminalization in Kosovo and Metohija. White slavery, centred in Kosovo and Metohija, has assumed alarming proportions, affecting all countries of Europe. This has been recently confirmed by the International Organization for Migration (IOM).

- Members of KFOR and international bureaucrats often take part in this nefarious business and, in conjunction with ethnic Albanian criminals, have created a large market of women forced into prostitution. All along, Serbs have been arbitrarily arrested, harassed and tortured by KFOR and UNMIK, particularly in the United States military base "Bondsteel";

- The terrorist attack in Pristina on the building of the Committee of the Federal Government for cooperation with United Nations mission in Kosovo and Metohija on 18 August 2000 was an indication that Albanian terrorism, blinded by separatism, has entered a new phase of intimidation, ethnic cleansing and genocide against Serbian and other non-Albanian population in the Province;

- Brutal looting and seizure of social and private property in Kosovo and Metohija, with KFOR and UNMIK taking direct part, continue. More than 400 public and more than 1,000 private companies have been seized in the Province;

- A drastic example was the seizure of a shareholding corporation RMHK "Trepca" by KFOR and UNMIK, carried out in a surprise raid on 14 August 2000, under the threat of massive use of force against the employees and peaceful residents (Serbs);

Neither resolution 1244 (1999) nor any other document gives authority to the Special Representative of the Secretary-General of the United Nations to forcefully change the ownership relations in the Province and carry out redistribution of property at will.

6. More than a year after the NATO aggression, the Government of the Federal Republic of Yugoslavia has received no information about the locations or the consequences of the use of depleted uranium ordnance: in addition to direct consequences, the use of these inhumane weapons has caused radioactive contamination of a part of the territory of the Federal Republic of Yugoslavia, with long lasting effects on the population and environment. The use and adverse effects of these weapons are proven beyond any doubt since, inter alia, a number of States have withdrawn their KFOR contingents from Kosovo and Metohija:

- During its aggression against the Federal Republic of Yugoslavia, NATO used more than 30,000 cluster bombs: to date, the Government of Yugoslavia has received no information about locations where these inhumane weapons were used, even though more than 100 persons have died from dormant cluster bombs since June 1999. The number of wounded is much greater.

7. The Special Representative of the Secretary-General adopts decisions and regulations (more than 70) which lack basis in resolution 1244 (1999) or represent gross violations of its provisions and aims; they contribute to additional destabilization of the situation in the Province; and they encourage ethnic cleansing and genocide against non-Albanian population:

- Despite the international consent that the overall security situation in the Province is alarming, as well as the opposition of a great part of international community, the Special Representative insists on holding so-called local elections in Kosovo and Metohija on 28 October 2000, the date he arbitrarily decided upon. It represents a gross violation of resolution 1244 (1999) and the sovereignty of the Federal Republic of Yugoslavia. It ignores the fact that the minimum conditions for holding democratic, free and fair elections do not exist in the Province;

- The aim of these elections is to legalize the policy of fait accompli, that is ethnic cleansing and genocide against the Serbs and other non-Albanians, to proclaim the assorted Albanian terrorists and separatists legitimate representatives of all residents of Kosovo and Metohija and to complete the ethnic cleansing of Serbs and other non-Albanians;

- The Federal Republic of Yugoslavia reaffirms its commitment to democratic and fair elections in the Province once elementary conditions are ensured, which presupposes: consistent and full implementation of resolution 1244 (1999); equal security for all citizens; return of expelled and displaced persons; deportation of illegal Albanian aliens; holding of elections on the basis of laws of the Republic of Serbia and the Federal Republic of Yugoslavia; and the start of a political process towards bringing a final solution based on substantial autonomy;

- Based on the illegal regulation of the Special Representative of 24 July 2000, the so-called "liaison offices" of foreign Governments, granted diplomatic privileges, were opened in Kosovo and Metohija, including the Governments of those countries with which the Federal Republic of Yugoslavia has no

diplomatic relations. It is in gross violation of resolution 1244 (1999) and the Vienna Conventions on Diplomatic and Consular Relations, explicitly providing for the sovereign right of each country to decide whether or not to establish diplomatic and consular relations with other countries, that is to grant approval for opening diplomatic and consular missions in its territory;

- Not a single provision of resolution 1244 (1999) authorizes the Special Representative of the Secretary-General to communicate with foreign States through "liaison offices". There is no autonomy or self-government in the world whose competence is to receive permanent representatives of foreign countries. There is not a single case of a United Nations peacekeeping mission setting conditions for diplomatic representation of foreign States in the territory of its peacekeeping mandate;

- The regulation of the Special Representative of the Secretary-General of 17 August 2000 and the joint declaration of the Special Representative and the KFOR Commander on the status of KFOR and UNMIK in Kosovo and Metohija represents a gross violation of resolution 1244 (1999) and the existing international conventions, as well as the practice of United Nations peacekeeping operations;

- There is no other instance in the practice of United Nations peacekeeping operations in which their status, as well as the status, privileges and immunities of personnel taking part in a peacekeeping operation, is regulated unilaterally, without an agreement between a host country and the United Nations;

- The Special Representative of the Secretary-General, by his regulation of 18 August 2000, arbitrarily established the competencies and structure of self-government in Kosovo and Metohija, a part of the sovereign territory of a sovereign country in gross violation of resolution 1244 (1999), the Constitution and the laws of the Republic of Serbia and the Federal Republic of Yugoslavia, in a part of its territory, which will further encourage separatism and the separation of the Province from the Republic of Serbia and the Federal Republic of Yugoslavia.

8. Political solution in Kosovo and Metohija presupposes:

(a) Respect for the sovereignty and integrity of the Republic of Serbia and the Federal Republic of Yugoslavia;

(b) Full implementation of the mandate of UNMIK and KFOR in accordance with resolution 1244 (1999) and the military-technical agreement, in particular: physical safety and security of property of citizens; disbanding and disarming of the transformed terrorist so-called KLA; respect for human rights, free and safe return of refugees and displaced persons, deportation of all foreign nationals who are illegally staying in the Province; establishment of public peace and order, freedom of movement, return of the Yugoslav Army (VJ) and Special Police (MUP) contingents and establishment of full control at the State border;

(c) Autonomy within Serbia, guaranteeing equality of all citizens and national communities in Kosovo and Metohija;

(d) Dialogue between the legitimate representatives of national communities with the State representatives, with appropriate participation of representatives of the Security Council;

- The Government of the Federal Republic of Yugoslavia opposes most strongly all projects on the future status of autonomy and self-government that provide for the separation of this Serbian province from the present constitutional and legal systems of the Republic of Serbia and the Federal Republic of Yugoslavia. Such projects have no grounding either in Security Council resolution 1244 (1999) or in the existing constitutional order of the Federal Republic of Yugoslavia, which is inviolable.

The Federal Republic of Yugoslavia will not accept, nor will it in any way be bound by, any act aiming at imposing outside solutions on Kosovo and Metohija, irrespective of their provenance.

9. The Government of the Federal Republic of Yugoslavia requests the Security Council to take urgent and decisive measures, so that resolution 1244 (1999) may be fully and consistently implemented.

In that respect, the Government of the Federal Republic of Yugoslavia again requests the Security Council to:

- Declare null and void all acts and decisions taken by the Special Representative and Head of UNMIK which are in breach of resolution 1244 (1999);

- Condemn in the strongest terms, and put an end to, the activity of the Special Representative of the Secretary-General and Head of UNMIK and withdraw from Kosovo and Metohija the forces of KFOR and UNMIK directly responsible for the systematic violation of Security Council resolution 1244 (1999), the loss of numerous lives and the untold suffering of Serbs and other non-Albanians, as well as for the damage caused by the Albanian terrorists in the presence of tens of thousands of KFOR and UNMIK members;

- Urgently take all necessary measures to ensure a full and consistent implementation of its resolution 1244 (1999);

- Condemn most strongly the continuation of the NATO aggression against the Federal Republic of Yugoslavia by the maintenance of an illegal regime of sanctions and embargoes by NATO member States and the continuous attempts to subvert the Federal Republic of Yugoslavia and by the rendering of material, political and media support to ethnic Albanian separatists and terrorists in Kosovo and Metohija, whose activities, coupled with the UNMIK and KFOR obstruction of the implementation of resolution 1244 (1999), are aimed at bringing about destabilization and breaking up the territorial integrity of the Federal Republic of Yugoslavia and at redrawing its internationally recognized borders and, by the same token, at causing widespread instability and conflict in the region with unforeseeable negative consequences for peace and security in the Balkans;

- Take all necessary steps to compensate for material and other losses sustained by the population, economy and cultural heritage of Kosovo and Metohija through the activities of UNMIK and KFOR and the terrorist and criminal gangs they are supporting.

United Nations S/2000/906

Security Council

Distr.: General
26 September 2000

Original: English

Letter dated 15 September 2000 from the Ministers for Foreign Affairs of Burkina Faso, Cuba, the Lao People's Democratic Republic, Malaysia, South Africa and Zimbabwe addressed to the President of the Security Council

Under Security Council resolution 1192 (1998) a solution has been reached for the question of Lockerbie. This solution calls for the trial of the two suspects before a Scottish Court sitting in the Netherlands, the suspension of the sanctions imposed on the Libyan Arab Jamahiriya once the suspects have appeared before the Court, and the lifting of these sanctions in accordance with paragraph 16 of Security Council resolution 883 (1993) and paragraph 8 of Security Council resolution 1192 (1998), upon the submission of a report by the Secretary-General 90 days after the suspension of the sanctions.

The Committee of Six of the Non-Aligned Movement would like to state that 15 months after the deadline mentioned in paragraph 16 of Security Council resolution 883 (1993) for the lifting of the sanctions; 18 months after the appearance of the two suspects before the Scottish Court in the Netherlands; and about 5 months following the start of the Court's proceedings, and despite the Libyan Arab Jamahiriya's full cooperation with the Court (S/1999/1183), the Security Council has not been enabled to lift the sanctions.

The Non-Aligned Movement, recalling its decisions taken at the summit and ministerial levels concerning the question of Lockerbie, in which it called for the lifting of the unjust sanctions imposed on the Libyan Arab Jamahiriya and for a peaceful solution to the issue, is deeply disappointed by the failure of the Security Council to adopt a resolution lifting the sanctions upon the submission of the Secretary-General's report, which indicated the Libyan Arab Jamahiriya's full implementation of all its commitments (S/1999/726).

The Libyan people have the right to have strong suspicions and to be impatient, and would be justified in whatever positions they decide to take. Likewise, the Non-Aligned Movement has every right to express its deep concern over this situation.

The Committee of Six entrusted by the Ministerial Meeting of the Non-Aligned Movement in Cartagena in 1998 to follow up the question of Lockerbie pays great tribute to the cooperation of the Libyan Arab Jamahiriya with the Scottish Court in the Netherlands, and calls on the Security Council, in the name of all countries of the Non-Aligned Movement, to lift the sanctions immediately and irrevocably.

00-66001 (E) 270900

We should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Youssouf **Ouédraogo**
Minister for Foreign Affairs of Burkina Faso

(*Signed*) Felipe **Pérez Roque**
Minister for Foreign Affairs of Cuba

(*Signed*) Somsavat **Lengsavad**
Minister for Foreign Affairs of the Lao People's Democratic Republic

(*Signed*) Datuk Seri Syed Hamid **Albar**
Minister for Foreign Affairs of Malaysia

(*Signed*) Nkosazana C. **Dlamini-Zuma**
Minister for Foreign Affairs of South Africa

(*Signed*) Stanislaus I. G. **Mudenge**
Minister for Foreign Affairs of the Republic of Zimbabwe

United Nations S/2000/907

Security Council

Distr.: General
26 September 2000
English
Original: French

Letter dated 26 September 2000 from the Secretary-General addressed to the President of the Security Council

In my letter to the President of the Security Council dated 30 December 1999 (S/1999/1296), I informed the Council of my decision to appoint Mr. Berhanu Dinka as my Special Representative for the Great Lakes Region, at the Assistant Secretary-General level. The Security Council concurred with my decision (S/1999/1297).

In his capacity as my Special Representative for the Great Lakes Region, Mr. Dinka has been, inter alia, sounding out the views of countries in the region regarding the proposed organization of an International Conference on the Great Lakes; representing me at meetings and deliberations under the Arusha peace process on Burundi; and addressing the regional dimensions of the conflict in the Democratic Republic of the Congo through, among other steps, close interaction with my Special Representative in that country.

With respect to Burundi, the signing of the Arusha peace agreement on 28 August 2000 has created a momentum towards a comprehensive agreement to which all parties subscribe. In view of this, it continues to be desirable for Mr. Dinka to stay engaged within the overall efforts of the international community to address the grave political and humanitarian situation in Burundi and its regional dimensions.

In view of the above, it is my intention to seek the extension of the mandate of my Special Representative for the Great Lakes Region until the end of December 2001.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

00-65960 (E) 260900 260900

United Nations S/2000/907*

Security Council

Distr.: General
5 October 2000
English
Original: French

Letter dated 21 September 2000 from the Secretary-General addressed to the President of the Security Council

In my letter to the President of the Security Council dated 30 December 1999 (S/1999/1296), I informed the Council of my decision to appoint Mr. Berhanu Dinka as my Special Representative for the Great Lakes Region, at the Assistant Secretary-General level. The Security Council concurred with my decision (S/1999/1297).

In his capacity as my Special Representative for the Great Lakes Region, Mr. Dinka has been, inter alia, sounding out the views of countries in the region regarding the proposed organization of an International Conference on the Great Lakes; representing me at meetings and deliberations under the Arusha peace process on Burundi; and addressing the regional dimensions of the conflict in the Democratic Republic of the Congo through, among other steps, close interaction with my Special Representative in that country.

With respect to Burundi, the signing of the Arusha peace agreement on 28 August 2000 has created a momentum towards a comprehensive agreement to which all parties subscribe. In view of this, it continues to be desirable for Mr. Dinka to stay engaged within the overall efforts of the international community to address the grave political and humanitarian situation in Burundi and its regional dimensions.

In view of the above, it is my intention to seek the extension of the mandate of my Special Representative for the Great Lakes Region until the end of December 2001.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. Annan

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* Reissued for technical reasons.

00-65960* (E) 051000

United Nations S/2000/908

Security Council

Distr.: General
26 September 2000
English
Original: French

Letter dated 26 September 2000 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 21 September 2000 (S/2000/907) concerning your intention to extend the appointment of Mr. Berhanu Dinka as your Special Representative for the Great Lakes Region until the end of December 2001 has been brought to the attention of the members of the Security Council. They have taken note of the intention contained in your letter.

(*Signed*) Moctar **Ouane**
President of the Security Council

00-65977 (E) 260900 260900

United Nations S/2000/909

Security Council

Distr.: General
26 September 2000
English
Original: French

Letter dated 21 September 2000 from the Secretary-General addressed to the President of the Security Council

As you are aware, as my Special Adviser, Mr. Mohamed Sahnoun has been actively engaged in efforts to help resolve the conflict between Eritrea and Ethiopia, in particular by supporting the mediation efforts of the Organization of African Unity (OAU). The efforts of the OAU led to the signing of the Agreement on Cessation of Hostilities on 18 June 2000, and the United Nations has been engaged in efforts to help implement the Agreement by deploying the United Nations Mission in Ethiopia and Eritrea (UNMEE).

A number of outstanding issues still remain to be addressed before a comprehensive peace agreement can be agreed upon. It should be noted in this connection that the Agreement on Cessation of Hostilities links the termination of the United Nations peacekeeping mission with the completion of the process of delimitation and demarcation of the common border. It would be desirable for Mr. Sahnoun to stay engaged in efforts to support the mediation efforts of OAU towards a comprehensive peace agreement.

Mr. Sahnoun has also been following developments in other countries in the Horn of Africa subregion, especially Somalia and the Sudan, and to represent me in meetings on the two countries of the Intergovernmental Authority on Development (IGAD) and the IGAD Partners Forum. Regarding Somalia, notwithstanding the major progress achieved in the Djibouti peace initiative on Somalia, much remains to be done for the United Nations to assist the people of Somalia in achieving a comprehensive settlement of the conflict in their country.

For these reasons, it is my intention to seek the extension of the appointment of my Special Adviser until 31 December 2001.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(Signed) Kofi A. **Annan**

00-65983 (E) 260900 260900

United Nations S/2000/910

Security Council

Distr.: General
26 September 2000
English
Original: French

Letter dated 26 September 2000 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 21 September 2000 (S/2000/909) concerning your intention to extend the appointment of Mr. Mohammed Sahnoun as your Special Adviser until 31 December 2001 has been brought to the attention of the members of the Security Council. They have taken note of the intention contained in your letter.

(*Signed*) Moctar **Ouane**
President of the Security Council

00-65989 (E) 270900 270900

United Nations S/2000/911

Security Council

Distr.: General
27 September 2000
English
Original: French

Letter dated 22 September 2000 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the statement concerning the situation in Timor by the Presidency of the European Union on behalf of the European Union published on 20 September 2000 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Jean-David **Levitte**
Permanent Representative of France to the United Nations

00-66183 (E) 270900 270900

Annex to the letter dated 22 September 2000 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement concerning the situation in Timor by the Presidency of the European Union on behalf of the European Union

The European Union remains deeply concerned at the current state of violence and insecurity in West Timor and its negative impact on East Timor, as well as the continued tension and violence in the Moluccas and Aceh.

The European Union calls upon the Government of Indonesia to take immediate and appropriate action to disarm and dismantle the militias in West Timor and to bring to justice those responsible for the attacks on international personnel and refugees, in accordance with previous statements by the Union and the terms of Security Council resolution 1319 (2000) of 8 September. The resumption of humanitarian aid in West Timor and of the resettlement of refugees is an essential condition for lasting peace and stability.

The European Union stands ready to support the Government of Indonesia, together with the relevant international humanitarian agencies, in solving the pressing problem of refugees in West Timor.

The European Union appreciates that the Indonesian Government has agreed to a visit of a European Union mission to the Moluccas. The European Union urges the Government of Indonesia to swiftly restore and consolidate peace and normalcy on the Moluccas.

The Central and Eastern European countries associated with the European Union, the associated countries Cyprus, Malta and Turkey and the European Free Trade Association countries members of the European Economic Area align themselves with the present statement.

United Nations S/2000/912

Security Council

Distr.: General
27 September 2000

Original: English

Letter dated 25 September 2000 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith the English translation of a note verbale dated 6 September 2000 from the Ministry for Foreign Affairs of the Islamic Republic of Iran addressed to the Embassy of the Republic of Iraq in Tehran.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Hadi **Nejad Hosseinian**
Ambassador
Permanent Representative

00-66160 (E) 270900

Annex to the letter dated 25 September 2000 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Note verbale dated 6 September 2000 from the Ministry for Foreign Affairs of the Islamic Republic of Iran addressed to the Embassy of the Republic of Iraq in Tehran

The Ministry for Foreign Affairs of the Islamic Republic of Iran presents its compliments to the Embassy of the Republic of Iraq in Tehran and has the honour to state the following:

According to the reports submitted by the relevant authorities of the Islamic Republic of Iran the acts of hostility, as described hereunder, have been committed by the terrorist Mojahedin Khalq Organization (MKO), authorized by the Government of Iraq to station on Iraqi soil with a view to embarking on acts of sabotage against the Islamic Republic of Iran.

1. On 31 July 2000, at 0500 hours, a number of terrorist elements of the MKO, supported by 10 vehicles (at the strength of 50 individuals) and launch of mortar rounds, infiltrated the territory of the Islamic Republic of Iran and engaged the Iranian forces at coordinates 36000-89000, 1:50,000 map of Einkhosh, before returning to Iraqi territory.

2. On 13 August 2000, at 0330 hours, the terrorist MKO fired four mini-Katiusha rockets in an attack across the border from inside Iraq into the city of Soomar.

3. On 13 August 2000, at 0330 hours, 13 82-mm mortar rounds were fired by the terrorist MKO in an attack across the border from inside Iraq onto Iranian territory, hitting the general district of Soomar.

4. On 20 August 2000, at 0330 hours, 12 120-mm mortar founds were fired by the terrorist MKO from inside Iraq onto Iranian territory, hitting the Mehran district.

5. On 20 August 2000, at 0530 hours, some terrorist elements of the MKO, traversing the Aghamir Valley, fired three 107-mm rockets into the vicinity of Salehabad.

6. On 20 August 2000, at 0530 hours, five 82-mm mortar rounds were fired by the terrorist MKO in an attack across the border from inside Iraq onto Iranian territory, hitting the general district of Mehran.

7. On 20 August 2000, at 0230 hours, six 107-mm rockets were fired by the terrorist MKO in an attack from inside Iraq onto Iranian territory, hitting the general district of Meima.

The Government of the Islamic Republic of Iran, strongly protesting against the above-mentioned acts of hostility, holds the Government of the Republic of Iraq responsible for the adverse consequences of such acts resulting from the provision of sanctuary to the terrorists of the MKO on Iraqi soil and the creation of favourable conditions for them to organize armed acts of terrorism and sabotage against the Islamic Republic of Iran, flagrantly contravening the international norms and principles and the Charter of the United Nations as well as the principles of good-neighbourly relations.

It is to be recalled that the continuation of such intrusions will cause irreparable damage to bilateral relations. Therefore, the Government of the Islamic Republic of Iran, while respecting the territorial integrity of the Republic of Iraq and the principles of good-neighbourly relations, considers the continuation of such acts of hostility to be intolerable and reserves its right to legitimate self-defence as well as the removal of any threats.

The Ministry for Foreign Affairs of the Islamic Republic of Iran takes this opportunity to convey to the Embassy of the Republic of Iraq in Tehran the assurances of its highest consideration.

United Nations A/55/426-S/2000/913

General Assembly
Security Council

Distr.: General
27 September 2000

Original: English

General Assembly
Fifty-fifth session
Agenda item 114 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Security Council
Fifty-fifth year

Letter dated 27 September 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to forward herewith a memorandum of the Commission of the Government of the Federal Republic of Yugoslavia on Humanitarian Issues and Missing Persons on the systematic violations of international and bilateral obligations of the Republic of Croatia (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 114 (c), and of the Security Council.

(*Signed*) Vladislav **Jovanovic**
Chargé d'affaires a.i.

00-66130 (E) 101000

Annex to the letter dated 27 September 2000 from the Chargé d'affaires of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

Memorandum of the Commission of the Federal Government of the Federal Republic of Yugoslavia on Humanitarian Issues and Missing Persons on the systematic violations of international and bilateral obligations of the Republic of Croatia

Several hundred thousand Serbs from Croatia went missing, were killed or expelled in the military operations conducted for the purpose of seceding Croatia from the former Yugoslavia and during their subsequent massive ethnic cleansing. The fate of most of these persons remains unknown or, at best, uncertain. Nobody knows, for instance, what the ultimate fate of over 330,000 Serbs who fled terror in Croatia and found shelter in the FR Yugoslavia will be and what happened to 3,277 missing Serbs from Croatia. The Croatian authorities have always had problems with honouring their obligations vis-à-vis the important humanitarian issue of addressing the question of Serbs who disappeared in the civil war that broke out in Croatia in the wake of the dismemberment of the former Yugoslavia. Concerned to maintain the image of "sacrificial lamb" that they painted themselves and that was only too readily accepted in some influential international circles, they have been very reluctant to lift the stone on what had happened underneath, especially in the operations of the Croatian military and police called "Flash" and "Storm", carried out on 2 May and 4 August 1995 respectively, against the Republic of Serbian Krajina, established on the Serbian ethnic territories.

The failure of the Croatian authorities to begin exhumations and identification of the bodies of the Serbian victims of the civil war is the subject of great anguish and frustration of the families concerned. United Nations member-States, its bodies and agencies and relevant Special Rapporteurs are called upon to bring pressure to bear on the Republic of Croatia to honour its obligations under the Agreement on Cooperation in Tracing Missing Persons, signed by the Ministers for Foreign Affairs of the FR of Yugoslavia and the Republic of Croatia at Dayton, Ohio, on 17 November 1995, the Protocol on Cooperation between the Commission of the Federal Government of the FR of Yugoslavia on Humanitarian Issues and Missing Persons and the Commission on Detained and Missing Persons of the Government of the Republic of Croatia, signed in Zagreb on 17 April 1996, and the Geneva Conventions Relative to the Protection of the Victims of War.

The Croatian authorities have been guided by political expediency in the approach to their obligations to address the fate of the missing persons from the Yugoslav search list. The new "democratic" government, in office since early this year, has also failed to take concrete steps to dissociate itself from the policy and practice of the previous Croatian government. Excessive optimism in certain international circles about the political situation in Croatia runs against the grain of the experience of parents and families of missing persons in the FR of Yugoslavia, especially of the Serbs

expelled from Croatia, and is a cause of concern that the attitude of the international community may provide a convenient opportunity and a handy excuse to the Croatian authorities to continue to drag their feet and delay addressing the fate of their kin.

In March of 1999, the Commission of the Republic of Croatia on Detained and Missing Persons broke off unilaterally its cooperation with the Commission of the Federal Government of the FR of Yugoslavia on Humanitarian Issues and Missing Persons, provided for by the Agreement on Cooperation in Tracing Missing Persons between the FR of Yugoslavia and the Republic of Croatia and the Protocol on Cooperation between the Commissions of the governments of the two countries. The said documents envisage continued cooperation by way of holding alternate meetings of the Commissions in Belgrade and Zagreb until the final solution of all cases from the search lists of missing persons of both parties has been reached.

Conversely, the FR of Yugoslavia has honoured all its obligations towards the Republic of Croatia concerning the missing persons in accordance with the Geneva Conventions, international humanitarian law and the afore-mentioned inter-State documents. It released all Croats held prisoner as early as 1992, including persons convicted for war crimes. In 1994, it also released the members of a Croatian sabotage-terrorist group arrested in the territory of the FR of Yugoslavia. The FR of Yugoslavia delivered all protocols and personal effects of persons killed in Vukovar in 1991, handed over human remains and provided answers to other individual searches made by the Republic of Croatia. On the basis of the protocols, the Croatian side carried out the exhumation of 938 bodies at the cemetery in Vukovar in 1998, 588 of which were identified. Regrettably, although the figure includes several hundred Serbs, the Serbian families were not allowed to attend the exhumations and identification. Also, contrary to the agreement, the Commission of the Republic of Croatia on Detained and Missing Persons did not invite the Yugoslav side to attend the exhumations in Vukovar nor has it informed it of the results of the identification.

Notwithstanding the official assurances made by the highest-ranking Croatian officials on several occasions that Croatia would address cases from the Yugoslav search list as a matter of priority, the Croatian side has failed to:

- carry out the agreement reached by the Ministers for Foreign Affairs of the FR of Yugoslavia and the Republic of Croatia on the exchange of prisoners on the basis of the principle "All for All". Because of the failure, 76 Serbs continue to be held captive in prisons in Croatia (most of them were captured in the operations of ethnic cleansing "Flash" and "Storm", see Chapter I);

- solve 3,277 cases of missing persons from the Yugoslav search list, 576 of whom are citizens of the FR of Yugoslavia (see Chapter II, para. 1) and 2,701 Serbs from Croatia (see Chapter II, para. 2);

- provide answers and carry out its obligations regarding identified and unidentified killed persons in the afore-mentioned operations of ethnic cleansing "Flash" and "Storm" (see. Chapter II, para. 3); and

- honour the Geneva Conventions and Additional Protocols with respect to Serbian cemeteries and the exhumation and identification of Serbian bodies (only graves of

Croats are exhumed, Serbian casualties are presented as Croatian, attendance of exhumations is made difficult or even expressly denied to Serbian families and representatives of the Serbian people in Croatia, while Serbian cemeteries are deliberately neglected).

After a unilateral interruption of bilateral contacts on the question of missing Serbs by the Croatian side 16 months ago and many initiatives by the Yugoslav side to induce Croatia to take seriously its international and bilateral obligations and carry them out in good faith, a brief meeting of the two Commissions was held in July 2000. Unfortunately, it confirmed the lack of readiness also of the new Croatian government to carry out the obligations to which the two sides committed themselves jointly. The international community is therefore called upon to address a serious warning to Croatia, as a member-State of the United Nations, the International Federation of Red Cross and Red Crescent Societies and a party to the Geneva Conventions Relative to the Protection of the Victims of War. This problem should be brought to the attention of the Croatian side also by the United Nations High Commissioner for Human Rights, United Nations High Commissioner for Refugees and the Special Rapporteur of the United Nations Commission on Human Rights for the Status of Human Rights in Bosnia and Herzegovina, Croatia and the FR of Yugoslavia, as well as by European and other organizations such as the Organization for Security and Cooperation in Europe, of which the Republic of Croatia is a full-fledged or prospective member.

I

PRISONERS

The 76 Serbs still held in Croatian prisons were taken prisoner or arrested during and in the wake of the operations of ethnic cleansing "Flash" and "Storm" carried out by the Croatian military and police against the Republic of Serbian Krajina on 2 May and 4 August 1995. Several hundred thousand Serbs were expelled and 230,000 of them found refuge in the FR of Yugoslavia. As a result, the number of Serbs who were expelled from Croatia and found refuge in the FR of Yugoslavia has increased to over 330 000. It should be noted that another substantial number of Serbs fled terror and persecution in Croatia and found refuge in other countries.

In the afore-mentioned operations of ethnic cleansing, over 2,100 Serbs were killed or went missing, more than 70 per cent of them civilians. Over 2,950 persons were captured and the above-mentioned 76 are still in Croatian prisons. Although these persons were captured during the civil war, refusing to release them under the Agreement and the Protocol on Cooperation in Tracing Missing Persons, signed with the FR of Yugoslavia, and under its own Amnesty Law, Croatia has changed the qualification of their offence from participation in the so-called armed rebellion to the criminal act of war crime. All of them are convinced that they are innocent because their trials were rigged, there were no witnesses, evidence was provided on the basis of statements given by false witnesses and outside regular court procedures. Similarly, the Croatian side failed to abide even by its own laws or to honour legal time limits (It took several years for sentences to be passed and courts of second instance did not honour appeal deadlines). Surprisingly, instead of releasing these persons or making it possible for them to receive a fair trial, the new Croatian government has recently stepped up confirmation of sentences by which the Serbs were sentenced to long

imprisonment. This action of the Croatian government is aimed at preventing these persons from being included in the exchange procedure and is designed to cover up drastic violations of Croatia's own laws by the Croatian authorities.

This has further aggravated the situation of the imprisoned Serbs, who went on a hunger strike on a number of occasions and demanded to be taken over by the International Criminal Tribunal for the Former Yugoslavia, convinced that, despite its widely-known anti-Serbian bias, they can get a fairer trial in The Hague than in Croatia. However, they have been turned down by the Tribunal for lack of evidence against them. In Croatia, however, they were sentenced to long-term imprisonment, ranging from 10 to 20 years.

Since the Protocol on Cooperation in Tracing Missing Persons does not provide for the release of persons tried for the criminal act of war crime, the Ministers for Foreign Affairs of the FR of Yugoslavia and the Republic of Croatia, Zivadin Jovanovic and Mate Granic, reached, in the spirit of the Agreement on the normalization of relations between two countries, an agreement on 18 August 1998 on the exchange of all sentenced Serbs, held in Croatian prisons, for persons of Croatian nationality, sentenced in the FR of Yugoslavia for various criminal acts on the basis of the principle "All for All". The agreement has not been honoured because the Croatian side reneged on it unilaterally after all disputed issues of its implementation had already been resolved.

From the very beginning, the Yugoslav side has stressed its readiness to carry out the agreement reached between the Foreign Ministers on the exchange of prisoners and demanded that it be implemented immediately and unconditionally.

Over 2,000 Serbs are being investigated or have been sentenced *in absentia* in Croatia for the criminal act of war crimes and the Croatian authorities have never made public the list of their names despite a public commitment to do so. This has a negative effect on the process of return of expelled Serbs to Croatia since many of them, on visits to their homes and relatives or on tours to see for themselves what practical possibilities exist for permanent return, have been arrested while crossing into Croatia. The Croatian authorities have thus sent a clear message to expelled Serbs that they are not wanted back to Croatia.

II

MISSING PERSONS

Notwithstanding its public pronouncements, often made at the level of highest-ranking officials, to the effect that it will solve Yugoslav requests as a matter of priority, the Croatian side has not solved 3,277 cases of missing persons from the Yugoslav search list. It includes:

1. 576 cases of missing persons from the FR of Yugoslavia, of whom the Croatian side was notified through the Tracing Service of the Yugoslav Red Cross, in particular 54 persons, signified as priorities, for whom evidence was available that they had been

alive and in Croatian prisons or otherwise in the custody of the Croatian authorities. These include:

- 5 airmen of the former Yugoslav People's Army (JNA). The information about them was forwarded to the Croatian side on several occasions and agreements were made with the Commission of the Government of the Republic of Croatia for Detained and Missing Persons which should have led to the clarification of their fate. However, nothing has come out of those agreements as the Croatian side failed to honour its obligations;

- 7 soldiers of the former JNA captured on 2 May 1992 in the village of Donje Kolibe near Bosanski Brod. On a number of occasions, the Croatian side was provided evidence of their capture and statements of witnesses who had spent several days with them in prisons in Croatia and were subsequently released through prisoner exchange; and

- 14 reservists of the former JNA, the "Niksic" and "Savnik" groups, arrested in Mostar and the vicinity in April 1992. The Yugoslav side provided evidence (statements of witnesses) that these persons had been in Croatian prisons and that some of them had been arrested in downtown Mostar (at the post office, making phone calls to relatives), not on a tour of duty, let alone in a combat operation. The Croatian side informed the Yugoslav Commission in writing that it had in its custody the remains of 11 persons from the "Niksic" and "Savnik" groups and handed over the personal effects of one person. However, it continues to refuse to hand over the remains and makes it contingent on ever more unrealistic demands, contrary to one of the basic principles of humanitarian law that human remains of the killed must be handed over without any conditions and that they cannot be the subject of exchange.

There is growing evidence in the form of testimonies of survivors that these persons were tortured in the Croatian prison Lora near Split. Wary of the resurgence of the evidence, the Croatian authorities are making every effort to suppress it, refusing to hand over the remains of the soldiers and civilians who succumbed to torture in this detention centre. For the same reason they refuse to hand over the remains of the members of the former JNA (most of them conscripts killed in attacks on barracks and other facilities of the former, at the time still common, JNA in Bjelovar, Karlovac, Zadar, Osijek and Zagreb in the autumn of 1991), even though the Croatian side was provided precise data on the date and place of their death. In wanton disregard for international humanitarian law, the remains of some of them were burnt, allegedly for health-related and hygienic reasons.

2. 2,701 cases of missing Serbs from Croatia and the Republic of Serbian Krajina, including those killed in the attack by the Croatian military and police on the Republic of Serbian Krajina in the operations of the ethnic cleansing of Serbs "Flash" and "Storm". The Croatian Commission undertook to solve these cases when it signed the Protocol on Cooperation between the two Government Commissions. Under the Protocol, the Croatian side is obliged to forward all identification protocols, send personal effects, carry out exhumations and hand over the remains of the victims c sidering that most of the families of missing Serbs from

Croatia now live in the FR of Yugoslavia and are apprehensive of establishing contacts with the Croatian Commission.

For almost ten long years, the Croatian authorities have refused to provide answers to parents and relatives about the fate of many taken for so-called informative talks from which they never returned. What has happened to them is not known, although the names of those who brought them in for questioning are known. Instances of these cases abound; for the purpose of illustration, given are the following few:

- Before the outbreak of armed conflicts in Croatia in the summer of 1991, at least 40 prominent Serbs from Vukovar and the vicinity were brought in for informative talks with the Croatian authorities and have not been heard of ever since. On 2 August 1991, 9 Serbian civilians from Sarvas, Municipality of Osijek, were forcibly taken away and their families have not heard of them since. In September of that same year began the harassment of the remaining villagers of Paulin Dvor, which ended in the massacre of 19 civilians on the night of 11 December 1991. They were tortured and killed in a house, subsequently mined and blown up, and their bodies were taken away in an unknown direction. The remains of these people have not been released to their families yet;

- Massive deportations of civilians were carried out in Western Slavonia (Maciska Sagovina, Pakracka poljana and Marino Selo) in 1991 and 1992. They were followed by tortures and liquidations in camps established for the purpose. About 300 Serbian civilians went missing in the camps at Pakracka Poljana and Marino Selo at that time. Massive liquidations of Serbs took place also in other areas of Croatia. One glaring example was the disappearance, within the mere 2 days of 16 and 17 October 1991, of 157 Serbs in the area of Gospic. 26 charred bodies have been found, while others are still listed as missing;

- In the attack of the Croatian military against the positions of the Serbian territorial defence at the Miljevacki Plateau in June 1992, carried out despite the presence of UNPROFOR, 40 Serbian territorial defence members were killed and 17 were captured. The families were not allowed to take over the remains of the killed and the captured Serbs were ordered, under the threat of death, to throw the bodies of their fellow-Serbs into a karst pit;

- In January 1993, at the time when the implementation of the UNSCR 762 (1992) of 26 June 1992 and what is known as the Vance Plan were well underway, the Croatian military attacked the Republic of Serbian Krajina again. The Serbian villages of Islam Grcki, Kasic and Smokovic bore the brunt of the attack (and of Croatian rage), whereas the Serbs from the ethnically heterogeneous villages of Murvica, Crno, Zemunik Gorni, Poljica and Islam Latinski were expelled or killed. 326 Serbian soldiers and civilians were killed, while 165 civilians died in makeshift camps; and

- In September 1993, the Croatian military carried out a surprise attack on the Serbian villages at the foothills of Mt. Velebit, collectively known as the

Medak Pocket, which had been under United Nations protection. 88 Serbs went missing or were killed in the operation, 46 soldiers and 42 civilians. The Croatian side handed over 52 bodies, most of them disfigured or charred which leads to the conclusion that the captured and the wounded had been massacred and murdered. It was only in April 2000 that Hague Tribunal investigators exhumed the first Serbian mass grave at the site of Obradovic Varos in Gospic and found the remains of 11 persons in a cesspool. The victims have not been identified yet, their remains are in Zagreb, while the families of most of them now live in the FR of Yugoslavia. The exhumation was done only in the presence of Croatian security forces as the investigators banned the families and Yugoslav forensic experts and even representatives of the International Committee of the Red Cross in wanton disregard for the principles of international humanitarian law and the customary investigating procedure.

2. Over 230 000 Serbs were expelled from the Republic of Serbian Krajina in the operations of ethnic cleansing "Flash" and "Storm", carried out by the Croatian military and police in May and August 1995. The tally of these operations provides a distressing reading:

- Within mere 36 hours, 284 Serbs, including 57 women and 8 children, went missing or were killed in the attack of the Croatian military and police against the Serbian population of Western Slavonia in the operation of ethnic cleansing called "Flash" that started on 2 May 1995. About 1,500 members of the military of the Republic of Serbian Krajina were taken prisoner, while civilians who had been unable to flee were placed in detention camps as their homes were looted, plundered and destroyed. According to the records of relevant international organizations, only about 800 Serbs, out of some 15,000 that had lived in the area prior to the attack, remained there in October 1995; and

- In a joint action with the forces of the Croatian Defence Council and the Fifth Corps of the Army of Bosnia and Herzegovina, over 200,000 members of the Croatian military and police attacked the remaining part of the Republic of Serbian Krajina (Northern Dalmatia, Lika, Kordun and Banija) on 4 August 1995, with the approval and support of NATO. During and after the aggression 1,791 Serbs were killed or went missing, including 449 women and 11 children. About 3,200 elderly and infirm persons were taken to detention camps. Krajina was devastated, plundered and set ablaze. In October 1995, United Nations observers registered about 22,000 demolished buildings in Sector South alone. Several hundred thousand Serbs were expelled, including 230,000 who found shelter in the FR of Yugoslavia.

Considering that the vast majority of the families of Serbs who went missing in the operations of ethnic cleansing "Flash" and "Storm" now live in Yugoslavia, the Yugoslav side called for settling the issue of tracing the persons gone missing in those operations, i.e. for establishing the exact number and a single list of missing persons, beginning exhumations and identification, updating protocols for unidentified Serbs killed in the operations and for handing over personal effects and corresponding protocols to which the Croatian side committed itself under the Cooperation Protocol.

248 Serbs were killed or went missing during and after the operation of ethnic cleansing "Flash" and 1,791 during and after operation "Storm". However, the Croatian side continues to cover up the number of Serbs killed in these operations, which is revealed by the following:

According to official lists provided by the Croatian Commission, 788 persons of Serbian nationality were killed during the aggression against the Serbian population in the Republic of Serbian Krajina in operation "Storm", of whom 163 were identified and 625 were not. 168 persons of Serbian nationality were killed in operation "Flash", 79 of them were identified and 89 were not. This brings the total number of Serbs killed to 956 of whom 242 were identified and 714 were not.

However, in the report submitted by the Government of the Republic of Croatia to the Security Council in February 1996 it is said that 911 Serbs were killed in operation "Storm". Considering that the number of killed Serbs on the list provided by the Croatian Commission is 788, the Croatian side is under obligation to submit 123 additional protocols for Serbs killed in this operation alone.

So far, the Yugoslav side has received 669 protocols from the Croatian side for unidentified Serbs killed in operations "Flash" and "Storm". However, the Yugoslav Commission has drawn the attention of the Croatian side that it is under obligation to hand over additional protocols for unidentified Serbs killed in these operations since, out of the total number of 669 protocols already handed over, 57 relate to other burial sites that were not included in the lists of the Croatian Commission, while 101 protocols for sites included in the lists are missing. This by itself provides telling evidence that the Croatian side possesses a larger number of protocols from the one it has conceded to be in possession of.

The Yugoslav Commission has also requested the Croatian side to hand over the protocols for 242 persons identified by the Croatian authorities whose families live in the FR of Yugoslavia as no family will accept identification on the basis of lists containing incomplete data. This all the more so as 9 persons from the lists have been ascertained to be alive, which calls into question the validity of the entire identification procedure.

The data, it is pointed out, are based on the official information provided by the competent Croatian authorities. However, taking into account the data in possession of the Commission on Humanitarian Issues and Missing Persons of the Federal Government of the FR of Yugoslavia, as well as those compiled by international and other organizations and the families of Serbs killed in operations "Flash" and "Storm", the number of protocols that the Croatian Commission is expected to hand over is significantly larger.

At the recent meeting in Zagreb the Croatian Commission sought to deny the right of the Yugoslav side to be involved in the solution of the question of Serbs gone missing in the operations of ethnic cleansing "Flash" and "Storm" conducted by the Croatian military and police during and after their attack on the Republic of Serbian Krajina. It contended that the missing Serbs were Croatian nationals and that it paid

equal attention to the tracing of all missing persons in the territory of Croatia regardless to their ethnic, religious or other belonging

From its part, the Commission of the Federal Government of the FR of Yugoslavia argued that, under the Protocol on Cooperation in Tracing Missing Persons, the Croatian side had undertaken to solve, with the Yugoslav Commission, also the question of Serbs gone missing in the operations of ethnic cleansing "Flash" and "Storm", since a large number of families of these persons live in the territory of the FR of Yugoslavia, as well as that they are not on the official search list of the Croatian Commission (out of 2,701 Serbs gone missing in Croatia registered by the Yugoslav Commission, only 25 missing Serbs are on the Croatian official search list that includes 1,620 persons). The Tracing Service of the Croatian Red Cross has registered over 1,100 missing persons in Croatia (the largest number of them are Serbs gone missing in the said operations) who are not on the Croatian official search list of missing persons either.

This is a clear indication of the intention of the Croatian Commission to hide the truth about Serbian casualties in Croatia and the war crimes committed against Serbs, particularly those in the operations of ethnic cleansing "Flash" and "Storm". Although committed to cooperation with the Hague Tribunal under the constitutional law of the Republic of Croatia, the Croatian side has not yet submitted to the Tribunal a complete documentation on these operations, apprehensive of the consequences, international and internal, of the unveiling of the heinous crimes committed against the Serbian people in Croatia the second time this century. Similarly, the Hague Tribunal has not only failed to condemn Croatia's behaviour despite pronouncements that it will do so, but seems to be indulgent of it. As a result, only the fate of missing Croats is addressed in Croatia, but not that of Serbs.

Pressed by the Yugoslav side and relevant international organizations which attended the meeting of the Commissions in Zagreb, in the end, the Croatian Commission accepted to continue to cooperate with the Yugoslav Commission in keeping with the provisions of the Cooperation Protocol. For that purpose, the Commissions agreed to draw up, in the presence of the International Red Cross and the International Commission on Missing Persons, a single list of missing persons in Croatia for the 1991-1995 period.

Nevertheless, the Yugoslav side has very few reasons to be satisfied with the attitude of the Croatian authorities towards the obligations they have assumed. This is evinced also by the negligence of the Croatian side in honouring its obligation to maintain, restore and properly mark registered graves in which the Serbs were buried (according to available data more than 1,300 of them) and the international community would do well to use its influence to remind Croatia of that obligation as well. For, allowing the graves to fall into disrepair, their crosses to be broken and to fall down and the lettering to fade is not only a sign of a lack of piety and respect for the deceased, but can render the identification of the dead difficult or even impossible.

The international community is also called upon to bring pressure to bear on the Croatian authorities to start the exhumation and identification of the bodies of the Serbian victims in Croatia and to accord them the same importance and urgency that it has accorded to the exhumation and identification of the Croatian victims. This all the

more so as the Croatian side has failed to abide by bilateral agreements, and international pressure on Croatia to honour relevant documents in the field, such as the Geneva Conventions and international humanitarian law, as well as the agreements with the Federal Republic of Yugoslavia, remains the last hope of the families of Serbs killed or gone missing in the civil war in Croatia.

August, 2000

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Report of the Secretary-General on the United Nations Iraq-Kuwait Observation Mission (31 March-21 September 2000)

I. Introduction

1. The present report provides an account of developments and activities in respect of the mandate entrusted to the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in accordance with Security Council resolutions 687 (1991) of 3 April 1991, 689 (1991) of 14 June 1991 and 806 (1993) of 5 February 1993. It covers the period from 31 March to 21 September 2000.

II. Developments in the demilitarized zone

2. The situation in the demilitarized zone remained generally calm throughout the period under review, and UNIKOM carried out its operations without interruption.

3. There were 42 violations, 43 incidents and 7 complaints in the demilitarized zone. The violations consisted of 15 ground violations, 10 weapons violations, 11 maritime violations and 6 air violations. As in past reporting periods, the ground violations occurred mainly when Iraqi vehicles used the only hard-surface road along the border, which crosses in and out of Kuwaiti territory.

4. Most of the weapons violations were minor and involved incidents such as a single shot fired close to a UNIKOM patrol and observation base, a civilian observed by UNIKOM on the Iraqi side of the demilitarized zone carrying an AK-47 assault rifle and armed coast guard personnel from both Iraq and Kuwait observed in the waters of the other side or in the Khawr 'Abd Allah waterway.

5. During the reporting period, there continued to be no UNIKOM flights over the Iraqi side of the demilitarized zone since they were suspended in December 1998, when the Iraqi authorities informed UNIKOM that they could not guarantee the safety of flights in the area owing to the conflict with the United States of America and the United Kingdom of Great Britain and Northern Ireland regarding the "no-fly" zones. In three of the six recorded air violations, UNIKOM was able to identify the violating aircraft as follows:

(a) On 8 April, an F-16 flew over Sector South headquarters at low altitude in a north-east to west direction;

(b) On 24 April, UNIKOM military observers at patrol and observation base N-9 observed a UH-60 Blackhawk helicopter flying over the demilitarized zone in a south to north direction and returning south within two minutes;

(c) On 31 May, a UNIKOM helicopter observed a white Gazelle helicopter (FORKAN 34) flying over a Kuwaiti police post.

The three other air violations involved aircraft flying too high to be identified.

6. The 11 maritime violations involved Iraqi tugboats or patrol boats in Kuwaiti waters of the Khawr 'Abd Allah waterway. For example, on 29 June a UNIKOM maritime patrol observed one Iraqi Coast Guard patrol boat heading east in Kuwaiti waters.

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7. Three of the seven complaints UNIKOM received in the reporting period were from Iraq and four were from Kuwait. The three from Iraq were as follows:

(a) On 23 April the senior Iraqi liaison officer complained that four aircraft from Kuwait had been observed flying over Iraqi airspace on 22 April at 15.30 hours;

(b) On 25 April the senior Iraqi liaison officer complained that 18 aircraft supported by 1 E2C AWACS aircraft, flying from Kuwait towards Iraq, had been observed over Iraqi airspace on 24 April at 10.50 hours;

(c) On 20 September the senior Iraqi liaison officer complained that there had been 200 sorties over the demilitarized zone by F-14, F-15, F-16 and Tornado EA 613 aircraft of the United States and the United Kingdom from 1 to 31 August 2000.

In all the above cases, UNIKOM was unable to confirm or deny the alleged incidents.

8. The four complaints lodged by Kuwait were as follows:

(a) On 5 August the senior Kuwaiti liaison officer complained that two Iraqi boats, each equipped with a machine gun, had been observed in Iraqi waters east of Warbah Island. UNIKOM dispatched a helicopter patrol to investigate the complaint, but nothing was found;

(b) On 10 August the senior Kuwaiti liaison officer complained about the presence of three armed Iraqi patrol vessels in the demilitarized zone north of Warbah Island. The complaint was investigated and UNIKOM confirmed by radar the presence of a vessel in that area in Iraqi waters, although the vessel was proceeding towards the south-east and seemed to be of a commercial nature. The senior Kuwaiti liaison officer was informed accordingly;

(c) On 11 August the senior Kuwaiti liaison officer complained about the presence of three armed Iraqi patrol boats moving south-east from the port of Umm Qasr. The vessels had already been identified by a UNIKOM maritime patrol, which had reported the violation;

(d) On 5 September the senior Kuwaiti liaison officer lodged an official complaint stating that Iraqis had cut off the signposts of a border marker and of a nearby traffic sign. After conducting an investigation it was confirmed that the signposts had been cut off recently, but it could not be determined who had done it.

9. The 43 reported incidents were: 17 casualty evacuations resulting from exploding mines, 12 attempts by Iraqi civilians to sell whiskey to UNIKOM military observers plus attempts by people to take photographs or make video recordings in the demilitarized zone without the prior consent of UNIKOM.

10. The fence built by Kuwait along its border in the demilitarized zone has been electrified since the end of April. A centrally controlled electronic surveillance system has been put into operation along the fence, and the Kuwaiti authorities are relocating all Kuwaiti police posts to positions adjacent to the gates in the fence. This has led to extensive building within the demilitarized zone, involving the tearing down of old Kuwaiti police posts and the erection of new ones. Because of these activities, UNIKOM patrols occasionally encountered closed gates. However, the Kuwaiti authorities have assured UNIKOM that this issue will be resolved with completion of the construction of the new Kuwaiti police posts. By mid-July, Sector North had reported that all the new Kuwaiti police posts within its area of responsibility had been completed, were staffed by Kuwaiti police officers and were operational. By mid-August, Sector South had issued a similar report.

11. A high level of activity was reported at the oil installations on the Kuwaiti side of the demilitarized zone. Iraqi oil production close to the demilitarized zone also expanded during the reporting period.

12. The Mission's observation of the Khawr 'Abd Allah waterway has gradually increased. Currently UNIKOM conducts 10 hours of boat patrols each day on the waterway, in addition to daily helicopter patrols. All the necessary personnel and equipment have been put in place. UNIKOM boat patrols had been operating mainly out of patrol and observation base M-2, as the communications between UNIKOM headquarters and the three patrol and observation bases (M-1, on Warbah Island, M-2, in Camp Khor, and M-3, on Faw Peninsula) were not fully operational. Patrol and observation base M-1 had been staffed by only two UNIKOM military observers. With the communication system now completed, patrol and observation base M-1 has reached its full strength of 10 military

observers, 2 maritime personnel and 2 engineers. Further construction work has been done by UNIKOM engineers at the Hecham Channel, where a new pier has been erected. This pier enables UNIKOM to transfer personnel and light equipment to patrol and observation base M-3 every day at high tide without having to leave the demilitarized zone. It has also made it possible to reduce the travel time from 3 hours to 40 minutes one way, facilitating emergency maintenance and medical interventions. Nevertheless, the need to organize two convoys per month to patrol and observation base M-3 via Basrah and along the Shatt Al'Arab waterway will continue to exist. These convoys resupply the patrol and observation bases and allow the completion of large-scale repair work where the required equipment cannot be transferred by small patrol boats.

13. UNIKOM visited 69 ships at Umm Qasr harbour under the "oil-for-food" programme. The ships were carrying predominantly wheat, rice, vegetable oil, baby food and spare parts.

14. The humanitarian activities of the International Committee of the Red Cross, including mail exchanges across the border, have continued.

15. UNIKOM continued to maintain close and regular liaison with the authorities of both Iraq and Kuwait at various levels, including visits by the Force Commander to Baghdad and Kuwait City, and through the UNIKOM liaison offices in the two capital cities. Both the Kuwaiti and Iraqi Governments have continued to cooperate with the Mission in the conduct of its operations.

III. Organizational matters

16. As at 31 August 2000, the overall strength of UNIKOM was 1,309, consisting of the following components:

(a) A total of 195 military observers, from Argentina (4), Austria (5), Bangladesh (5), Canada (6), China (11), Denmark (5), Fiji (7), Finland (5), France (11), Ghana (5), Greece (5), Hungary (5), India (6), Indonesia (4), Ireland (6), Italy (7), Kenya (4), Malaysia (5), Nigeria (5), Pakistan (6), Poland (6), Romania (3), the Russian Federation (11), Senegal (6), Singapore (5), Sweden (6), Thailand (5), Turkey (6), the United Kingdom (11), the United States (11), Uruguay (6) and Venezuela (2);

(b) An infantry battalion of 775 from Bangladesh;

(c) An engineering unit of 50 from Argentina;

(d) A logistics unit of 34 from Argentina;

(e) A helicopter unit of 35 from Bangladesh;

(f) A medical unit of 14 from Germany;

(g) A total of 206 civilian staff, of whom 52 were recruited internationally and 154 locally.

Major General John A. Vize (Ireland) continued as Force Commander.

IV. Financial aspects

17. The General Assembly, in its resolution 54/18 B of 15 June 2000, appropriated the amount of $52,710,270 gross for the maintenance of UNIKOM for the period from 1 July 2000 to 30 June 2001, subject to review by the Security Council with regard to the question of termination or continuation of the Mission. Two thirds of the cost of the Mission, equivalent to $33.5 million, is to be funded through voluntary contributions from the Government of Kuwait. Assessments on Member States have been made for the period ending 6 October 2000. The Government of Kuwait has paid its voluntary contributions in full to 30 June 2000 and an additional amount of $3.4 million for the period to 6 October 2000.

18. As at 31 August, unpaid assessed contributions to the Special Account for UNIKOM for the period from inception to 6 October 2000 amounted to $15.1 million. The unpaid assessed contributions for all peacekeeping operations amounted to $2.4 billion.

V. Observations

19. During the period under review, the situation along the border between Iraq and Kuwait remained generally quiet. UNIKOM continued to carry out its tasks smoothly, thereby contributing to the maintenance of calm and stability along the border. In undertaking these tasks, it continued to receive the cooperation of the Iraqi and Kuwaiti authorities. I recommend that the Mission be maintained.

20. In conclusion, I wish to pay tribute to the Force Commander, Major General Vize, and to the men and women under his command for the manner in which they have discharged their responsibilities. Their discipline and bearing have been of high order, reflecting credit on themselves, their countries and the United Nations.

UNIKOM DEPLOYMENT AS OF SEPTEMBER 2000
DEPLOIEMENT DE LA MONUIK EN SEPTEMBRE 2000
ДИСЛОКАЦИЯ ИКМООНН НА СЕНТЯБРЬ 2000
DESPLIEGUE DE LA UNIKOM EN SEPTIEMBRE DE 2000
IRAQ
KUWAIT
SAUDI ARABIA
IRAN
SOUTHERN SECTOR
S1
S2
S3
S4
S5
S6
S7
S8
N1
N2
N3
N4
N5
N6
N7
N8
HQ